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BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE

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5 IN THE MATTER OF THE APPLICATION
6 OF SUNZIA TRANSMISSION LLC, IN
7 CONFORMANCE WITH THE
8 REQUIREMENTS OF ARIZONA
9 REVISED STATUTES 40-360, ET SEQ.,
10 FOR A CERTIFICATE OF
11 ENVIRONMENTAL COMPATIBILITY
12 AUTHORIZING THE SUNZIA
13 SOUTHWEST TRANSMISSION
14 PROJECT, WHICH INCLUDES THE
15 CONSTRUCTION OF TWO NEW 500 KV
16 TRANSMISSION LINES AND
17 ASSOCIATED FACILITIES ORIGINATING
18 AT A NEW SUBSTATION (SUNZIA
19 EAST) IN LINCOLN COUNTY, NEW
20 MEXICO, AND TERMINATING AT THE
21 PINAL CENTRAL SUBSTATION IN PINAL
22 COUNTY, ARIZONA. THE ARIZONA
23 PORTION OF THE PROJECT IS
24 LOCATED WITHIN GRAHAM,
25 GREENLEE, COCHISE, PINAL, AND
26 PIMA COUNTIES.

Docket No. L-00000YY-15-0318-
00171

Case No. 171

PROCEDURAL ORDER

ORIGINAL

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27 An Application for a Certificate of Environmental Compatibility
28 ("Application") was filed in the above captioned matter with Docket Control of
the Arizona Corporation Commission ("Commission") on September 2, 2015. A
copy of the Application was transmitted to Thomas K. Chenal, designee of the
Attorney General of Arizona, Mark Brnovich, as Chairman ("Chairman") and
Presiding Officer of the Arizona Power Plant and Transmission Line Siting
Committee ("Line Siting Committee"). A.R.S. §§ 40-360.01(B)(1) and 40-
360.03. As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and

1 A.A.C. R14-3-201(E), the Chairman issues the following procedural order.

2 **IT IS ORDERED:**

3 1. The Applicant and all potential parties ("person" within the
4 meaning of A.R.S. § 40-360(8) who intends to intervene or requests to
5 intervene, pursuant to A.R.S. § 40-360.05(A)) (hereinafter "potential parties"),
6 shall advise the Chairman in writing on or before the time of the pre-hearing
7 conference scheduled below if they disagree that the time limit for decision on
8 the Application by the Line Siting Committee set by A.R.S. § 40.360.04(D) is
9 February 29, 2016.

10 2. All parties or potential parties listed on pleadings or procedural
11 orders filed by the Applicant or the Chairman shall notify Docket Control of their
12 desire to receive pleadings and procedural orders in this matter and shall
13 regularly review the Docket Control file in this matter to make sure they have
14 received all pleadings and procedural orders relating to this case. Neither the
15 Line Siting Committee nor the Chairman has the authority to direct Docket
16 Control to send one of the 25 copies of pleadings and procedural orders filed
17 with Docket Control to prospective parties.

18 3. The Applicant shall arrange for the timely publication and posting
19 of notice of the hearing, in a form approved by the Chairman, at locations
20 discussed and agreed to by the Applicant at the pre-filing conference held on
21 August 26, 2015. The Applicant shall provide notice by certified mail to
22 Graham, Greenlee, Cochise, Pinal and Pima Counties, and any other affected
23 jurisdiction within the meaning of A.R.S. § 40-360.04(A), at least twenty days
24 before the hearing scheduled below. In addition, at the hearing the Applicant
25 shall submit a copy of the notice and present testimony describing the
26 publication, providing of notice, and posting of the notice.

27 4. The Applicant shall make arrangements for the hearing to
28 commence in Willcox, Arizona, thereafter in Tucson, Arizona, thereafter in

1 Casa Grande, Arizona, and thereafter if necessary in Florence, Arizona. The
2 hearing in Willcox, Arizona will be held at the Willcox Community Center, 312
3 W. Stewart St., Willcox, AZ 85643, on Monday, October 19, 2015 at 1:00 p.m.,
4 and will continue on Tuesday, October 20, 2015, and Wednesday October 21,
5 2015, as necessary, beginning at 9:00 a.m. on each day, unless a tour is
6 taken. If a tour is taken, it will begin on Wednesday, October 21, 2015, at 8:00
7 a.m. or an alternative date and time set by the Chairman. Public comment may
8 be taken during the hearing at times designated by the Chairman. Public
9 comment also will be taken in a special evening session on Monday, October,
10 19, 2015, at 6:00 p.m. at the same location. Unless later ordered by the
11 Chairman, the hearing will adjourn at approximately 5:00 p.m. each day, except
12 on Monday, October 19, 2015, when it will continue after 6:00 p.m. for the
13 public comment session.

14 **5.** The hearing in Tucson, Arizona will be held at the Tucson
15 Convention Center, 260 S. Church Ave., Tucson, AZ, 85701, on Thursday
16 October 22, 2015, and will continue on Friday October 23, 2015, Monday
17 November 2, 2015 and Tuesday November 3, 2015, as necessary, beginning
18 at 9:00 a.m. on each day, unless a tour is taken. If a tour is taken, it will begin
19 on Tuesday, November 3, 2015, at 8:00 a.m. or an alternative date and time
20 set by the Chairman. Public comment may be taken during the hearing at times
21 designated by the Chairman. Public comment also will be taken in a special
22 evening session on Thursday, October 22, 2015, at 6:00 p.m. at the same
23 location. Unless later ordered by the Chairman, the hearing will adjourn at
24 approximately 5:00 p.m. each day, except on Thursday, October 22, 2015,
25 when it will continue after 6:00 p.m. for the public comment session.

26 **6.** The hearing in Casa Grande, Arizona will be held at the Holiday
27 Inn Casa Grande, 777 N. Pinal Ave., Casa Grande, AZ 85122 on Wednesday,
28 November 4, 2015 and will continue on Thursday, November 5, 2015, as

1 necessary, beginning at 9:00 a.m. on each day. Public comment may be taken
2 during the hearing at times designated by the Chairman. Public comment also
3 will be taken in a special evening session on Wednesday, November 4, 2015,
4 at 6:00 p.m. at the same location. Unless later ordered by the Chairman, the
5 hearing will adjourn at approximately 5:00 p.m. each day, except on
6 Wednesday, November 4, 2015, when it will continue after 6:00 p.m. for the
7 public comment session.

8 7. If necessary, the hearing in Florence, Arizona will be held at the
9 Holiday Inn Florence, 240 West Highway 287, Florence, AZ 85132 on Monday,
10 November 16, 2015, Tuesday, November 17, 2015, Wednesday, November
11 18, 2015, Thursday, November 19, 2015, and Friday, November 20, 2015, as
12 necessary, beginning at 9:00 a.m. on each day. Public comment may be taken
13 during the hearing at times designated by the Chairman. Unless later ordered
14 by the Chairman, the hearing will adjourn at approximately 5:00 p.m. each day.
15 The Applicant shall make arrangements for further regular sessions, if needed,
16 and additional public comment sessions, if needed, on dates, at times, and at
17 places to be determined later.

18 8. The Applicant shall contact the appropriate member of the staff of
19 the Commission, and advise them of the Applicant's position concerning
20 reimbursement of the Line Siting Fund should the expenses of the hearing
21 exceed the application fee, and to discuss financial arrangements regarding
22 hotel reservations and other expenses of the Line Siting Committee Members.
23 A.R.S. § 40-360.10. The Applicant shall advise the Chairman of the results of
24 these discussions so that the necessary information may be communicated to
25 the Line Siting Committee Members.

26 9. The Applicant shall provide a copy of this Order to all other parties
27 and potential parties who have not already received a copy.

28 10. The Applicant and all other parties and potential parties shall meet

1 and confer prior to the beginning of the hearing, to determine whether any of
2 the parties or potential parties have similar interests in the application process
3 that will allow them to jointly present testimony on direct or cross-examination
4 of witnesses, or to jointly offer exhibits into evidence. The Applicant shall, and
5 any other party or potential party may, report to the Chairman the results of
6 their attempts to resolve the issues and to determine if common interests exist
7 that will allow parties to jointly present evidence and argument or to avoid
8 repetition of testimony and argument at the hearing.

9 **11.** The Applicant and all other parties and potential parties shall meet
10 and confer as needed before, during, and after the hearing to attempt to
11 resolve any disputes amongst the parties. The parties and potential parties
12 shall also keep all other parties and potential parties advised of their positions
13 and intentions with regard to the presentation of evidence, witnesses, and the
14 application process in general to avoid delay, the presentation of repetitive
15 evidence, and any unfair advantage from surprise.

16 **12.** Parties and potential parties shall not communicate with any
17 Member of the Line Siting Committee about any procedural matters, or any
18 factual issues or legal issues relating to the Application, while the Application is
19 pending before the Line Siting Committee. The only exception is that parties
20 may communicate with the Chairman during the time the Application is pending
21 about procedural matters relating to the Application, preparation of the notice of
22 hearing and its publication, the agenda for the hearing, any pre-hearing
23 conferences, the hearing on the Application, and the decision on the
24 Application by the Line Siting Committee. Communication of the parties with
25 the Chairman about any procedural matter during the time an Application is
26 pending shall be in writing or, if oral, shall be memorialized by an e-mail or
27 other written summary with a copy of the written communication or summary to
28 all parties and potential parties, or shall be on the record at pre-filing

1 conferences, at prehearing conferences, or at the hearing on the Application.
2 Any party who initiates any written communication sent to the Chairman, or
3 who summarizes an oral communication with the Chairman on a procedural
4 matter, shall file with Docket Control a copy of the communication or summary,
5 including its distribution list, within 10 days of sending the written
6 communication or making the oral communication.

7 **13.** Parties and potential parties shall not communicate with any
8 Commissioner of the Commission concerning the substantive merits of the
9 Application while the Application is pending before the Line Siting Committee,
10 in accordance with the requirements of A.A.C. R14-3-113.

11 **14.** Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all
12 parties and potential parties shall serve upon the Chairman as soon as
13 practicable, and at least forty-eight hours before the hearing or meeting
14 described in the agenda, any objections, additions, or corrections to the
15 agenda they believe are necessary in order to bring the agenda into
16 compliance with A.R.S. § 38-431.02. The objections, additions or corrections
17 shall be in writing. Objections that are not timely raised will be deemed waived.

18 **15.** Any pleading, document, or writing filed or ordered to be served
19 upon the Chairman, the Applicant, or another party or potential party shall be
20 served upon all other parties and potential parties as well as the Chairman.
21 Service upon the Chairman may be made electronically to the e-mail address
22 of the Chairman below. Service upon parties and potential parties may be
23 made electronically to the e-mail address of the parties and potential parties on
24 the distribution list kept by the Chairman. A copy of such pleading, document or
25 writing shall be filed with Docket Control.

26 **16.** All parties and potential parties shall file with Docket Control and
27 exchange with all other parties and potential parties brief summaries of the
28 expected direct testimony of each witness they will call. In lieu of a testimonial

1 summary, a party or potential party may file with Docket Control and exchange
2 with all other parties and potential parties all or substantially all of the direct
3 testimony of any witness. Testimonial summaries and direct testimony shall be
4 filed with Docket Control and exchanged with parties and potential parties by
5 5:00 p.m. of the day before the pre-hearing conference set below. Except for
6 good cause, no witness will be allowed to testify on direct examination
7 concerning issues not reasonably identified in the testimonial summary and
8 direct testimony.

9 **17.** All parties and potential parties shall meet, confer, and exchange
10 all exhibits the party or potential party plans to offer in evidence by 5:00 p.m. of
11 the day before the pre-hearing conference set below. The Applicant shall, and
12 other parties and potential parties may, provide one or more three ring binders
13 for the Chairman and each Member of the Line Siting Committee to hold
14 exhibits at the beginning of the hearing and as needed during the hearing.
15 Each party and potential party shall prepare for the Chairman and each Line
16 Siting Committee Member a numbered list of the exhibits and a copy of all
17 exhibits suitable for placement in the binders that each party and potential
18 party expects to offer in evidence at the hearing. The exhibits shall be provided
19 to the Chairman and each Line Siting Committee Member at the beginning of
20 the hearing and during the hearing before reference to the exhibit is made in
21 the hearing. Except for good cause, no exhibit that was not exchanged with the
22 other parties shall be considered at the hearing. Any exhibit to which reference
23 is made during any hearing that is not offered or admitted into evidence shall
24 be provided to the court reporter at the hearing for inclusion in the record,
25 unless it is withdrawn and the Chairman determines its filing is not necessary
26 to an understanding of the actions of the Line Siting Committee.

27 **18.** The Applicant shall provide to the Chairman prior to the pre-
28 hearing conference set below, a matrix setting forth for each segment of the

1 proposed route the position of each party and potential party as to whether the
2 party or potential party is in favor, is neutral or opposes such segment. The
3 Applicant should confer with parties and potential parties to determine how the
4 proposed route can best be divided into segments. The matrix should also set
5 forth the position of each party and potential party on material issues in dispute
6 (which may include need and reliability if those issues are in dispute) as
7 discussed at the pre-filing conference on August 26, 2015.

8 **19.** All exhibits shall be consecutively numbered, with the Applicant's
9 exhibits denominated: SUN-1, SUN-2, etc. Each intervening party will be
10 assigned by the Chairman a letter or letters of the alphabet as a preface with
11 which to consecutively number its exhibits.

12 **20.** The Applicant may make an opening statement at the beginning of
13 the hearing of no more than thirty (30) minutes. Each other party may make an
14 opening statement of no more than five (5) minutes.

15 **21.** Public comment will be heard after the opening statements and at
16 other times set by the Chairman during the hearing. See ¶ 4, ¶ 5, ¶ 6, and ¶ 7
17 above.

18 **22.** In the event the Chairman determines that a tour or tours of the
19 proposed locations of facilities proposed in the Application is appropriate, the
20 Applicant shall arrange for transportation for Line Siting Committee Members
21 who wish to attend. The Applicant shall submit to the Chairman, before the pre-
22 hearing conference set below, a schedule and protocol agreed to by all parties
23 and potential parties for each tour. If all parties and potential parties do not
24 agree upon the schedule and protocol for each tour, the disagreements shall
25 be submitted to the Chairman for resolution. The protocol shall identify the tour
26 route, identify the location of any stops, and identify any witnesses who will
27 accompany each tour. Counsel may ask brief explanatory questions of the
28 identified witness or witnesses during the stops about the location, what can be

1 seen from the location of the stop and the relevance of the location or view to
2 the Application, at the discretion of the Chairman. All witnesses who testify on
3 each tour shall be sworn before their testimony. All questions and answers
4 shall be before a court reporter. No testimony or discussion with or between
5 Line Siting Committee Members about the merits of the Application will take
6 place, except on the record before a court reporter at the designated stops.
7 The protocol shall provide for access to members of the public to any testimony
8 presented at stops on each tour. Members of the public who wish to observe
9 the tour are encouraged to notify the Applicant or the Chairman in advance of
10 their intention to follow and observe the tour.

11 **23.** Parties may present their witnesses in panels where appropriate.
12 A party or potential party who intends to present witnesses in panels shall
13 identify the members of any panel at the time it files its witness summaries or
14 written testimony.

15 **24.** The Applicant shall make arrangements for the preparation of
16 expedited court reporter transcripts of all pre-filing conferences, all pre-hearing
17 conferences, and the hearing, so that the transcripts are available for public
18 inspection within three working days after each hearing date, as required by
19 A.R.S. §§ 38-431.01D and 40-360.04(C). In addition, the Applicant shall file a
20 certification with Docket Control that it has provided a copy of the transcripts to
21 at least two public libraries identified in the certification that are in the vicinity of
22 the proposed route and alternates in the Application.

23 **25.** On or before the pre-hearing conference set below, the Applicant
24 shall, and the other parties and potential parties may, file proposed findings of
25 fact, proposed conclusions of law, the wording of any proposed Certificate of
26 Environmental Compatibility, and the wording of any proposed conditions to the
27 Certificate.

28 **26.** If the beginning of closing arguments and the Line Siting

1 Committee's deliberations are more than one week after the beginning of the
2 hearing, the parties shall meet and confer before closing arguments,
3 concerning proposed findings of fact, proposed conclusions of law, a proposed
4 Certificate of Environmental Compatibility and the wording of any proposed
5 conditions to the Certificate. If the parties are able to agree upon part or all of
6 the proposed findings of fact, proposed conclusions of law, proposed forms of
7 a Certificate of Environmental Compatibility and proposed wording of
8 conditions to the Certificate, all that is agreed upon should be reduced to
9 writing and filed. If the parties are not able to agree completely, the Applicant
10 shall, and all other parties may, file proposed findings of fact, proposed
11 conclusions of law, proposed wording of a Certificate of Environmental
12 Compatibility and proposed wording of conditions to the Certificate on the day
13 before the beginning of closing arguments and the Line Siting Committee's
14 deliberations.

15 **27.** If the Applicant or any other party proposes conditions based upon
16 conditions used in prior cases, each proposed condition from a prior case shall
17 contain the case number of the most recent prior Certificate of Environmental
18 Compatibility using the language approved by the Commission.

19 **28.** All pleadings, witness summaries, written testimony, proposed
20 findings of fact, proposed conclusions of law, proposed Certificates of
21 Environmental Compatibility and proposed conditions of Certificates that must
22 be filed pursuant to this Order or otherwise by law, shall be filed with
23 Commission Docket Control. Copies of all documents described in this
24 paragraph that are filed shall be served upon the Chairman, the Line Siting
25 Committee, all parties, and all potential parties. Before the hearing, documents
26 may be served upon parties and potential parties, electronically to the e-mail
27 address or FAX number provided by the party or potential party. All parties and
28 potential parties who are on the distribution list kept by the Chairman may be

1 served electronically at the time of the filing at the e-mail address on the
2 distribution list. Before the hearing, documents may be served upon the
3 Chairman and the Line Siting Committee, electronically to the e-mail address of
4 the Chairman or his assistant. Documents that are served during the hearing
5 shall be hand delivered to parties. During the hearing, eleven (11) copies of
6 any filed document shall be delivered to the Chairman for distribution to the
7 Line Siting Committee, and a copy shall be sent electronically to the e-mail
8 address of the Chairman or his assistant.

9 **29.** If the final wording of the Certificate of Environmental Compatibility
10 that is adopted by the Line Siting Committee at the end of the hearing is in
11 dispute, the Chairman may order the parties to meet and confer in person or
12 electronically to determine if they can agree upon the final wording of a
13 proposed Certificate of Environmental Compatibility. If the parties can agree
14 upon the final wording of a proposed Certificate of Environmental Compatibility,
15 Applicant shall forthwith hand-deliver the agreed-upon proposed Certificate of
16 Environmental Compatibility to the Chairman for signature. If the parties are not
17 able to agree upon a proposed form of Certificate of Environmental
18 Compatibility, the Applicant shall file, and the other parties may file, within
19 ten (10) days after the date of the decision of the Committee, those portions of
20 the proposed Certificate of Environmental Compatibility upon which the parties
21 agree. The Applicant also shall file, and any other party also may file, within 10
22 days after the date of the decision of the Committee, its understanding of any
23 disputed portions of the proposed Certificate of Environmental Compatibility. All
24 proposed forms of the Certificate of Environmental Compatibility and any
25 objections or proposed revisions shall be filed with Docket Control, and a copy
26 shall be hand delivered to the Chairman at 1275 W. Washington St., Phoenix,
27 Arizona. All other parties shall be served. Parties may be served electronically
28 by email at the e-mail address on the distribution list kept by the Chairman.

1 Objections or suggestions that are not timely filed shall be considered waived.

2 **30.** The copy of the proposed Certificate of Environmental
3 Compatibility filed by the Applicant and any objections or proposed revisions
4 filed by the parties that are served upon the Chairman, shall include an
5 electronic file containing the wording of the proposed language in a format
6 compatible with Microsoft© Word word processing program.

7 **31.** The Applicant and all other parties and potential parties may file a
8 legal memorandum by 5:00 p.m. on Friday, October 9, 2015 addressing the
9 following issue. The issue upon which the Chairman solicits the position of the
10 parties is:

11 A.A.C. R14-3-208(F) provides that individual parties may
12 appear at the hearing on their own behalf, whereas all other
13 persons who are parties shall appear only by a licensed
14 attorney. May a domestic nonprofit corporation or association
15 authorized by A.R.S. § 40-360.05(A)(3) to become a party
16 appear, present oral testimony and cross-examine witnesses
17 during the hearing without being represented by a licensed
18 attorney?

19 **32.** The Applicant and all potential parties shall meet with the
20 Chairman for a pre-hearing conference on Wednesday, October 14, 2015,
21 beginning at 10:00 a.m. at the offices of the Attorney General of Arizona at
22 15 S. 15th Ave., Phoenix, Arizona 85007. Parties and potential parties other
23 than the Applicant may appear by telephone with the prior permission of the
24 Chairman. At the final pre-hearing conference, the Chairman shall review with
25 the Applicant and potential parties:

- 26 a. The publication and posting of notices of the hearing;
27 b. The proposed agenda for the hearing;
28 c. Any notices to intervene, requests to intervene, and

1 applications to make a limited appearance;

2 d. The status of attempts to narrow the issues at the hearing or
3 to agree to language in the proposed findings of fact, proposed
4 conclusions of law, proposed Certificates of Environmental Compatibility
5 and proposed conditions to the Certificate;

6 e. The status of the filing and exchange of witness summaries
7 or written testimony, proposed findings of fact, proposed conclusions of
8 law, proposed Certificates of Environmental Compatibility and proposed
9 conditions to the Certificate;

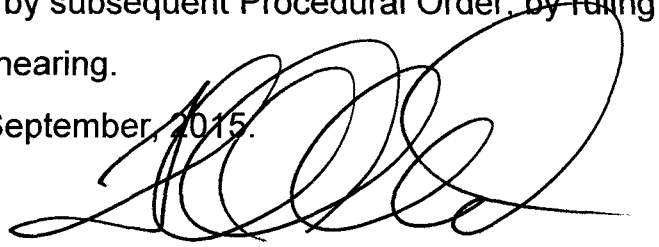
10 f. The status of the exchange of exhibits amongst the parties;

11 g. Any objections, motions, responses, and legal memoranda
12 that have been filed; and

13 h. Plans and preparations for the hearing, public comment
14 session, and tour of the proposed site.

15 **IT IS FURTHER ORDERED**, the Chairman may amend or waive any
16 portion of this Procedural Order by subsequent Procedural Order, by ruling at a
17 pre-hearing conference, or at a hearing.

18 **DATED** this 11th day of September, 2015.



21 Thomas K. Chenal, Chairman
22 Assistant Attorney General
23 Arizona Power Plant and Transmission
24 Line Siting Committee
25 1275 W. Washington St
26 Phoenix, Arizona 85007
27 thomas.chenal@azag.gov
28

CERTIFICATION OF MAILING

Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 25 copies were filed this **11th** day of September, 2015 with:

Utilities Division – Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

COPY of the foregoing mailed this **11th** day of September, 2015 to:

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